



4725 WISCONSIN AVE, NW, SUITE 200
WASHINGTON, DC 20016
TEL: (202) 789-3960
FAX: (202) 789-1813
bill@cuneolaw.com
www.cuneolaw.com

June 10, 2020

BY ECF

Honorable Kiyo A. Matsumoto
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Cohen v. Capital One Funding, LLC et al.*
Case No. 1:19-cv-03479- KAM-RLM

Dear Judge Matsumoto:

This firm represents the Plaintiffs in the above-referenced proceeding. I write to provide the Court with supplemental authority relevant to the disposition of Defendants' pending Motion to Dismiss for Failure to State a Claim.

On June 9, 2020, Judge Michael Vallejos of the District Court for the City and County of Denver, Colorado, issued a ruling in *Administrator of the Uniform Consumer Credit Code, v. Marlette Funding et al.*, Case no. 2017CV30376, a case brought by a Colorado state regulator to enforce that state's usury laws. Confronted with some of the same arguments made by Defendants herein, Judge Vallejos ruled that the federal law "does not extend the privilege of interest exportation to non-banks" following a bank's sale or assignment of a loan. Judge Vallejos cited *Madden v. Midland Funding, LLC.*, 786 F.3d 246 (2d Cir. 2015) in reaching that conclusion.

A copy of the ruling is attached as an exhibit to this letter.

Respectfully,

/s/ C. William Frick

C. William Frick